

**REMARKS/ARGUMENTS**

In an Office Action dated April 21, 2006 claims 1, 9, 17 and 25 were rejected under obviousness-type double patenting and claims 1-32 were rejected under § 102 based on Yamamoto. Applicants respectfully traverse the rejections and request consideration of the following arguments.

**Double Patenting Rejection**

Claims 1, 9, 17 and 25 were provisionally rejected under obviousness-type double patenting. Applicants respectfully traverse the rejection.

In a double patenting rejection, the claims of the referenced application are compared to the claims of the instant application. In this case, the cited claims of Serial No. 10/695,408 are missing elements of the present claims, such as the requirement for the input/output module and control module being configured to interactively perform data virtualization. The Office Action cites no prior art teaching or suggesting this missing element, and, in fact, does not even note that this element is missing from the cited claims. As a result, Applicants respectfully submit that the rejection is improper and should be withdrawn.

**§ 102 Rejections**

Claims 1-32 were rejected over Edsall. Applicants respectfully traverse the rejections.

**Claim 17**

Claim 17 is treated here as exemplary of the independent claims and as best corresponding to the Office Action.

Applicants first respectfully traverse the correspondence of the Office Action for an input/output module. The input/output module is required by the claim to include processors to receive, operate on and transmit network traffic. The Office Action lists several elements in Edsall as corresponding to the input/output module, namely connector 302, MAC 304, switch 306, switch 320, MAC 322 and connector 324. There is no indication that any of these elements are the required processors, and indeed they are not.

The only processor is virtual processor 308 and that has been corresponded to the control module, not the input/output module. Thus the Office Action rejection is missing an element, the processors of the input/output module. As nothing in Edsall teaches or suggests the processors, the rejection is improper and must be withdrawn.

Claim 17 further requires “said input/output module and said control module being configured to interactively perform virtualization of a storage unit and one of snapshotting of data on a storage unit, journaling of data being written to a storage unit, or migrating data between first and second storage units . . .”

The Office Action correlates recitation in paragraph 43 of Edsall of point in time copying to be snapshotting and logging information to be journaling. The Office Action does not provide any citation to data migration, thus admitting that alternative element is not present or taught or suggested in Edsall. Applicants respectfully traverse the alleged snapshotting and journaling.

As to journaling, the full recitation in Edsall is “logging information (e.g. errors and/or statistics).” Applicants submit this is not journaling but rather logging as Edsall clearly states. Applicants reference paragraphs 207 to 214 of the published version of the present application for a definition and discussion of journaling. As can be seen, the operations, and the data on which they operate, are very different from the simple error and statistic logging mentioned in Edsall. Applicants respectfully submit that the cited portion of Edsall does not properly correspond to the claimed journaling so that this second alternative element is not taught or suggested by Edsall.

As to snapshotting, the remaining alternative element in claim 17, the full recitation in Edsall is “backup of physical memory (point in time copying).” Applicants submit this is not snapshotting but again what it says, backing up. Applicants reference paragraphs 168 to 199 of the current published application for a definition and description of snapshot operations. As can be seen, the operations, and the data on which they operate, are very different from a simple backup or point in time copy mentioned in passing in Edsall. Applicants respectfully submit that the cited portion of Edsall does not

properly correspond to the claimed snapshotting, so that the third alternative element is not taught or suggested by Edsall.

Thus none of the three alternatives, data migrating, journaling, and snapshotting, one of which is required by the claims, are taught or suggested by Edsall so a further claim limitation is not met, the claim being allowable for this further reason.

The above arguments apply equally to the remaining independent claims so that all claims in the application are allowable.

**Claim 18**

The Office Action alleges that Edsall shows the virtual target task and virtual initiator task of the processors of claim 18 are shown in paragraphs 40 and 53 of Edsall. Applicants traverse this rejection. First, as noted above, Edsall teaches none of the required processors so there can be no such tasks. Then paragraphs 40 and 53 only generally discuss virtualization. Claim 18 requires specific elements, namely, virtual target and virtual initiator tasks in a processor. Edsall teaches none of these specifics but only discusses operation at a high level.

Further, the rejection of claim 19 is inconsistent with the rejection of claim 18. The claim 19 rejection corresponds the virtualization processor to the virtual processor 308 of Edsall, which has previously been corresponded to the control module of the claims. But the processors of claim 18 are in the input/output module. It is noted the claim 19 does not correspond any elements in Edsall to the input/output module, thus apparently indicating there is no such teaching or suggestion in Edsall.

As such, Edsall is not a proper reference for the specific required elements of claim 18, so that claim 18, and similar claims 2, 10, and 26, are allowable.

**Claim 19**

In rejecting claim 19, as noted above, there is no recitation of any elements of Edsall to correspond to the input/output module of the claim. Thus a required element is not defined. Further, as discussed with respect to claim 18, claim 19 requires specific elements, not just general allegations. Applicants submit that merely having addresses (and clearly that a switch does not have an address) is insufficient to meet the specific claim requirements so that claims 19, 3, 11 and 27 are allowable.

**Claim 21**

The arguments from claim 18 apply equally to claim 21 and its similar claims.

**CONCLUSION**

Based on the above remarks Applicants respectfully submit that all of the present claims are allowable. Reconsideration is respectfully requested.

Respectfully submitted,

**July 19, 2006**

Filed Electronically

**/Keith Lutsch/**

---

Keith Lutsch  
Reg. No. 31,851  
Email: [WCPatent@counselip.com](mailto:WCPatent@counselip.com)  
Wong, Cabello, Lutsch,  
Rutherford & Brucculeri, L.L.P  
20333 State Highway 249, Suite 600  
Houston, TX 77070  
Voice: 832-446-2405